

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,  
*ex rel.* TERESA ROSS

Plaintiff,

v.

12-CV-299S

GROUP HEALTH COOPERATIVE, INDEPENDENT  
HEALTH CORPORATION, DxID LLC, DR. JOHN  
HAUGHTON, BETSY GAFFNEY, & INDEPENDENT  
HEALTH ASSOCIATION,

Defendants.

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**ORDER REFERRING PARTIES TO MEDIATION AND SETTING DEADLINE FOR  
MOTION FOR AWARD OF FEES, COSTS, AND EXPENSES**

Based on the parties' stipulation (Docket No. 129), and for good cause shown, IT

HEREBY IS ORDERED AS FOLLOWS:

1. Pursuant to the Western District of New York's Alternative Dispute Resolution Plan (the "ADR Plan") Section 2(C), this Court refers Kaiser (as successor in interest to defendant GHC) and Relator to mediation of Relator's claims against Kaiser and/or GHC for attorney's fees, costs, and expenses under 31 U.S.C. § 3730(d).
2. The mediation shall be conducted in accordance with ADR Plan Section 5, except as otherwise set forth herein.
3. Within 14 days of the entry date of this order, Kaiser and the Relator must select a mediator from the Western District of New York's 2020 List of Buffalo Mediators.

4. Kaiser, the Relator, and the Mediator must select a mutually acceptable date and time for the mediation and must inform this Court of such date and time as soon as practicable, with such date falling not later than 60 days after the entry date of this Order.

5. The mediation shall be conducted remotely via Zoom, WebEx, or any similar web-based remote conferencing software, and neither the mediating parties nor their representatives will be required to attend in person, unless otherwise directed by this Court.

6. The mediation must be limited to the mediating parties and their attorneys and representatives.

7. This Order has no effect on any claims against any defendant in this matter other than GHC and has no effect on and is without prejudice to Kaiser's pending motion for leave to seek discovery from the Relator regarding the bases for her claims for attorney's fees, costs, and expenses under 31 U.S.C. § 3730(d). No defendant in this litigation who is not a party to this stipulation shall participate in the mediation.

8. Relator's motion for award of attorneys' fees, costs, and expenses as against defendant GHC is due 60 days after the date of the mediation, or this Court's ruling on Kaiser's pending motion for leave to conduct discovery, whichever occurs later, or at such later date as this Court may order. If the parties seek, or any party seeks, an extension of the deadline for such a motion, such party or parties must move for such relief before this Court.

9. The parties must notify this Court forthwith if settlement of the remaining issues between the parties is reached.

IT IS SO ORDERED.

Date: December 7, 2020  
Buffalo, NY

s/William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge